IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 9209 of 2005**

Between:

N. Venkata Ramana, S/o. Sri Ramulu,
R/o. H.No. 13-26, Brahmin Street, Dharmapuri - 505 425
Karimnagar District.

**..... PETITIONER**

AND

Convenor Ed CET - 2004 Regional Joint Director of School Education, Kakinada - 533 004

**.....RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in rejecting the admission of the petitioner herein into B Ed Course as arbitrary illegal and violative of Rules 1989 under Act V of 1983 and consequently direct the respondent herein to consider the case of the petitioner herein for admission into B Ed Course on the Strength of rank obtained by him.

**Counsel for the Petitioner:MR.SAI GANGADHAR CHAMARTY**

**Counsel for the Respondent: GP FOR EDUCATION**

**The Court at the admission stage made the following :**

**ORDER**:

This writ petition is filed seeking a direction to the respondent-Convenor, Ed CET, to consider the case of the petitioner for admission into B.Ed., course 2004-05 by treating his aggregate marks 44.75 per cent as 45 per cent in part-II group subjects in the graduation level.

It is not in dispute that as per the rules made under G.O.Ms.No. 26 (School Education & Training) A1 dated 03.02.2005 only those candidates who have passed the qualifying examination with an aggregate of 45 per cent marks and above are eligible for admission.

Petitioner does not dispute the fact that he has not secured the requisite 45 per cent in Group-II subjects. But his case is that he has secured 44.75 per cent and the same shall be treated as 45 per cent as decided by the Kakatiya University, Warangal. The petitioner relies upon a letter of the Registrar of the Kakatiya University, Warangal dated 12.02.1999 whereunder the principals of the affiliated colleges of the university were informed that the Vice Chancellor, in anticipation of approval by the academic bodies had accorded permission to treat 0.5 per cent and above as one per cent for the purpose of calculating the percentage of marks in deciding eligibility conditions at the qualifying examination for admission to various courses under the jurisdiction of Kakatiya University.

However, nothing has been placed before this Court to show that the decision said to have been taken by the Kakatiya University in the year 1999 is made applicable to other universities also. At any rate, it is for the respondent-Convenor to consider the said issue and to take appropriate decision.

Hence, the Writ of Mandamus as prayed for cannot be granted merely on the basis of the decision of one of the Universities, which appears to have been taken in the year 1999. However, I deem it appropriate to dispose of the writ petition leaving it open to the respondent to consider the request made by the petitioner to treat 44.75 per cent secured by him in the qualifying examination as 45 per cent and to pass appropriate orders in accordance with law.

The writ petition is accordingly disposed of. No costs.

25.04.2005

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To

1. Convenor Ed CET - 2004 Regional Joint Director of School Education, Kakinada - 533 004

**2.** 2 CCs to the G.P. for Education, High Court Buildings, Hyderabad. (OUT)

3 2 CD copies.